IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 3191 of 2007(E)

PETITIONER:

CHELLAMMA, W/O. VIJAYAPPAN,
VADAKKEMANDOPALLIL, KULASEKHARAMANGALAM P.O.,
VAIKOM.

BY ADV. SRI.M.C.ANTONY

RESPONDENTS:

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1. VAIKOM URBAN CO-OPERATIVE BANK LTD. NO.1193,
VAIKOM - 686 141, REP. BY ITS MANAGER.

2. SPECIAL SALE OFFICER/CO-OPERATIVE INSPECTOR,
VAIKOM URBAN CO-OPERATIVE BANK LTD. NO.1193
VAIKOM - 686 141.

BY GOVT. PLEADER SRI.P.N.SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No.3191 of 2007

Dated this the 30th January, 2007.

J U D G M E N T

The property of the writ petitioner is proceeded against, as she did not remit the amount due to the first respondent, Vaikom Urban Co-operative Bank Ltd., despite the order of the first respondent to pay the amount, as calculated, on the basis of the one time settlement scheme. That was done in the year 2005. The sale of the property is scheduled on 31.1.2007.

2. I have already disposed of W.P.(C) No.3190/2007 today, in which the husband of the present writ petitioner is involved. Counsel submits that both took the loan for self employment scheme. The fact remains that no amount has been paid despite the award that has been passed against them in the year 2001.

3. After hearing the counsel appearing for the writ petitioner, and the learned Senior Government Pleader, I direct the writ petitioner to remit an amount of Rs.10,000/= within one month from today. The writ petitioner shall also approach the first respondent, and on hearing her, the first respondent shall fix up the

amount due, after extending the benefits, if any, available, as per the directions of the Reserve Bank of India, in respect of the Urban Co-operative Banks. The instalment facility shall also be extended to her. The sale proclamation, dated 11.12.2006, shall be kept in abeyance, for a period of two months.

4. If there is any default in payment of the amount of Rs.10,000/=, as directed above, the sale of the properties will be initiated, and the proclamation, dated 11.12.2006, shall be commenced from where it is stopped, as per the order.

The writ petition is disposed of accordingly.

J.M. JAMES,
JUDGE

nj.